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## INFORMATION NOTE

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2008/96/EC on road infrastructure safety management - Outcome of the European Parliament's first reading and Corrigendum procedure, (Brussels, 4 April 2019 and Strasbourg, 17 September 2019)

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## I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint Declaration on practical arrangements for the codecision procedure<sup>1</sup>, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this legislative file at first reading.

This file was expected<sup>2</sup> to undergo the Corrigendum procedure<sup>3</sup> in the new European Parliament after adoption by the previous Parliament of its position at first reading.

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<sup>1</sup> OJ C 145, 30.6.2007, p.5

<sup>2</sup> 8507/19

<sup>3</sup> Rule 241, EP Rules of Procedure.

## II. VOTES

At its sitting of 4 April 2019, and following informal interinstitutional negotiations, the European Parliament adopted the amendment 66 (without legal linguistic revision) to the Commission proposal and a legislative resolution with a view to the adoption of the abovementioned proposal, constituting the European Parliament's position at first reading<sup>4</sup>. It reflects what had been previously agreed between the Institutions.

After finalisation of the adopted text by the legal linguists, on 17 September 2019 the European Parliament approved a corrigendum to the position adopted at first reading.

With this corrigendum, the Council should be able to approve the position of the European Parliament as set out in the Annex<sup>5</sup> hereto, thus bringing to a close the first reading for both Institutions.

The act would then be adopted in the wording which corresponds to the Parliament's position.

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<sup>4</sup> 8059/19

<sup>5</sup> The text of the amendments adopted and the European Parliament's legislative resolution are set out in the Annex. The amendments are presented in the form of a consolidated text, where changes to the Commission's proposal are highlighted in bold and italics. The symbol "■" indicates deleted text.

**Road infrastructure safety management \*\*\*I**

**European Parliament legislative resolution of 4 April 2019 on the proposal for a directive of the European Parliament and of the Council amending Directive 2008/96/EC on road infrastructure safety management (COM(2018)0274 – C8-0196/2018 – 2018/0129(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0274),
  - having regard to Article 294(2) and Article 91(1)(c) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0196/2018),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
  - having regard to the opinion of the European Economic and Social Committee of 17 October 2018<sup>1</sup>,
  - having regard to the opinion of the Committee of the Regions of 6 February 2019<sup>2</sup>,
  - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 27 February 2019 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Transport and Tourism (A8-0008/2019),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national

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<sup>1</sup> OJ C 62, 15.2.2019, p. 261.

<sup>2</sup> OJ C 168, 16.5.2019, p. 81.

parliaments.

**Position of the European Parliament adopted at first reading on 4 April 2019 with a view to the adoption of Directive (EU) 2019/... of the European Parliament and of the Council amending Directive 2008/96/EC on road infrastructure safety management**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure<sup>3</sup>,

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<sup>1</sup> OJ C 62, 15.2.2019, p. 261.

<sup>2</sup> OJ C 168, 16.5.2019, p. 81.

<sup>3</sup> Position of the European Parliament of 4 April 2019.

Whereas:

- (1) The communication of 20 July 2010 from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions entitled "Towards a European road safety area: policy orientations on road safety 2011-2020" stated the strategic objectives of the Union to halve the number of road deaths by 2020 compared to 2010 and to move close to zero fatalities by 2050. However, progress towards achieving those objectives has stalled in recent years. ***A new interim target of halving the number of serious injuries by 2030 compared to 2020 was endorsed by Council in its conclusions of 8 June 2017 on road safety, endorsing the Valletta Declaration of March 2017. Greater efforts are therefore needed to attain both those targets.***
- (2) According to the Safe System approach, death and serious injury in road accidents is largely preventable. It should be a shared responsibility at all levels to ensure that road accidents do not lead to serious or fatal injuries. In particular, well-designed and properly maintained ***and clearly marked and signed*** roads should reduce the probability of road accidents, whilst “forgiving roads” (roads laid out in an intelligent way to ensure that driving errors do not immediately have serious ***or fatal*** consequences) should reduce the severity of accidents. ***The Commission should provide guidance for the provision and maintenance of “forgiving roadsides”, building on the experience of all Member States.***

- (3) The roads of the trans-European transport network (TEN-T network) identified in Regulation (EU) No 1315/2013 of the European Parliament and of the Council<sup>1</sup> are of key importance in supporting European integration. A high level of safety should therefore be guaranteed on those roads.
- (4) The road infrastructure safety management ('RISM') procedures implemented on the TEN-T network have helped reduce fatalities and serious injuries in the Union. It is clear from the evaluation of the effects of Directive 2008/96/EC of the European Parliament and of the Council<sup>2</sup> that Member States which have been applying RISM principles on a voluntary basis to their national roads beyond the TEN-T network have achieved a much better road safety performance than Member States which did not do so. ***It is therefore also desirable for those RISM principles to be applied to other parts of the European road network.***

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<sup>1</sup> Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).

<sup>2</sup> Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59).

- (5) *It is important that the road sections built on bridges and road sections that pass through tunnels which are part of the network within the scope of this Directive are also covered by this Directive as far as road safety is concerned, with the exception of tunnels covered by Directive 2004/54/EC of the European Parliament and of the Council<sup>1</sup>.*
- (6) *For reasons of road safety, it is important that entries and exits to parking areas along the network within the scope of this Directive, in particular motorways and primary roads, are also covered by this Directive.*
- (7) *Seasonal conditions differ substantially between the Member States and regions. It is therefore important that those conditions are appropriately taken into consideration in the national provisions transposing this Directive.*

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<sup>1</sup> *Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the Trans-European Road Network (OJ L 167, 30.4.2004, p. 39).*



- (8) A large proportion of road accidents occur on a small proportion of roads where traffic volumes and speeds are high and where there is a wide range of traffic travelling at different speeds. Therefore the limited extension of the scope of Directive 2008/96/EC to motorways and *other* primary roads beyond the TEN-T network should contribute significantly to the improvement of road infrastructure safety across the Union.
- (9) *In order to ensure that such extension of scope has the intended effect, it is logical that primary roads other than motorways include all roads belonging to the highest category of roads below the category 'motorway' in the national roads classification. For the same reason, Member States should be encouraged to ensure that at least all roads to which Directive 2008/96/EC applied before the entry into force of this Directive, including on a voluntary basis, should remain covered by this Directive.*

- (10) The mandatory application of the procedures laid down in Directive 2008/96/EC to any road infrastructure project outside urban areas which is completed using Union funding should ensure that Union funds are not used to build unsafe roads.
- (11) ***Directive 2008/96/EC covers exclusively road infrastructure. Road traffic law is therefore not affected by this Directive, and neither is the Member States' competence to make decisions on their own authority with regard to road traffic law. The United Nations Geneva Convention on Road Traffic of 19 September 1949 and the Vienna Convention on Road Traffic of 8 November 1968, as well as the Vienna Convention on Road Signs and Signals of 8 November 1968, should be respected by the Contracting Parties.***
- (12) Risk-based network-wide road **safety** assessment has emerged as an efficient and effective tool to identify sections of the network that should be targeted by more detailed road safety inspections and to prioritise investment according to its potential to deliver network-wide safety improvements. The entire road network covered by this Directive should therefore be systematically assessed, ***including by means of data gathered by electronic and digital means***, to increase road safety across the Union.

- (13) Integrating the best performing elements from the previous "safety ranking and management of the road network in operation procedure" into the new network-wide road *safety* assessment procedure should allow better identification of road sections where the opportunities to improve safety are the greatest and where targeted interventions should deliver the biggest improvements.
- (14) *In order to improve the quality, objectivity and efficiency of the RISM procedures, it is beneficial to allow Member States to take advantage, where appropriate, of the continuously developing technologies for inspecting road sections, documenting road safety conditions and collecting other data related to the safety of the road network.*

- (15) Systematic follow-up of the findings of RISM procedures is crucial to achieve the road infrastructure safety improvements necessary for meeting the Union's road safety objectives. To this end, prioritised action plans should ensure that the necessary interventions are implemented as soon as possible. ***In particular, the findings of the network-wide road safety assessment should be followed up either by targeted road safety inspections or, if possible and cost-efficient, by direct remedial action aimed at eliminating or reducing the road safety risks without imposing an undue administrative burden.***
- (16) The safety performance of existing roads should be improved by targeting investment to the road sections with the highest accident concentration and the highest accident reduction potential.
- (17) ***Funding and financial incentives at Union level can, in accordance with the applicable conditions, be used to provide support for such investment, complementing corresponding national investment and incentives.***

- (18) Sections of the road network adjoining road tunnels of the trans-European road network covered by Directive 2004/54/EC have a particularly high accident risk. Joint road safety inspections of those road sections involving representatives of both the competent road and tunnel authorities should therefore be introduced in order to improve the safety of the road network *covered by this Directive*.
- (19) Vulnerable road users accounted for 47 % of road fatalities in the Union in 2017. Ensuring that the needs of the vulnerable road users are taken into account in all RISM procedures *and the development of quality requirements for infrastructure for such road users* should therefore improve their safety on the road.
- (20) *In order to enable Member States to enhance their procedures aiming at ensuring the operational use of their road markings and road signs, common specifications should be established in order to foster the effective readability and detectability of road markings and road signs for human drivers and automated driver assistance systems.*

- (21) *Improving safety is a priority also for level crossings (i.e. signalling, infrastructure improvement). According to the Report on Railway Safety and Interoperability in the EU 2018 of the European Union Agency for Railways, there were, in 2016, 433 significant accidents on the 108 000 level crossings in the Union, resulting in 255 fatalities and 217 people being seriously injured. Consequently, level crossings which pose a high safety risk should be identified, with a view to improving them.*
- (22) *High-quality road markings and road signs are crucial to support drivers and connected and automated vehicles. Common specifications for road markings and road signs should form the basis that paves the way towards the roll-out of advanced connected and automated mobility systems. A joint European approach in accordance with the Vienna Convention on Road Signs and Signals of 1968 would be preferable.*

- (23) *To reinforce the results expected from the application of this Directive and to ensure adequate level of safety in emergency situations, Member States could facilitate cooperation between their civil protection, emergency response and traffic police services, wherever appropriate and especially in cross-border road sections. Where cooperation between Member States is needed in those activities, the Union Civil Protection Mechanism pursuant to Decision No 1313/2013/EU of the European Parliament and of the Council<sup>1</sup> offers a framework to that end.*
- (24) *Without prejudice to legislation on public procurement, in particular Directive 2014/25/EU of the European Parliament and of the Council<sup>2</sup>, the technical specifications relating to safety should be made publicly accessible where public procurements are carried out in the sector of road infrastructure.*
- (25) *In order to achieve transparency and improve accountability, road safety ratings should be reported so that road users can be informed about the state of the infrastructure and their awareness generally raised.*
- (26) *The exchange of experience on Safe System methodologies between practitioners and the information exchange between road safety auditors should be encouraged.*

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<sup>1</sup> *Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924).*

<sup>2</sup> *Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).*

- (27) Publication of the results of network-wide road *safety* assessments should allow the level of road infrastructure safety to be compared across the Union.
- (28) Since the objective of this Directive, namely the establishment of procedures to ensure a consistently high level of road safety throughout the TEN-T network and the network of motorways and primary roads across the Union, cannot be sufficiently achieved by the Member States, but can rather, as improvement is necessary throughout the Union in order to ensure convergence towards higher standards of road infrastructure safety, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective. As a result of action at Union level, travel throughout the Union should become safer, and this in turn should improve the functioning of the internal market and support the objective of economic, social and territorial cohesion.



- (29) In order to ensure that the content of RISM procedures continues to reflect the best available technical knowledge, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adapting the Annexes to this Directive to technical progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>1</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>1</sup> OJ L 123, 12.5.2016, p. 1.

- (30) Specific measures are necessary for the continuous improvement of road safety management practices and to facilitate the recognition of road markings and road signs by vehicles equipped with driver assistance systems or higher levels of automation. In order to ensure uniform conditions for the implementation of the relevant provisions of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>1</sup>.
- (31) Directive 2008/96/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

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<sup>1</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

## Article 1

### Amendments to Directive 2008/96/EC

Directive 2008/96/EC is amended as follows:

(1) Article 1 is replaced by the following:

"Article 1

Subject matter and scope

1. This Directive requires the establishment and implementation of procedures relating to road safety impact assessments, road safety audits, road safety inspections and network-wide road safety assessments by the Member States.
2. This Directive shall apply to roads which are part of the trans-European road network, to motorways and to *other* primary roads, whether they are at the design stage, under construction or in operation.

3. This Directive shall also apply to roads and to road infrastructure projects not covered by paragraph 2 which are situated outside urban areas, *which do not serve properties bordering on them* and which are completed using Union funding, *with the exception of roads that are not open to general motor vehicle traffic, such as bicycle paths, or roads that are not designed for general traffic, such as access roads to industrial, agricultural or forestry sites.*
4. *Member States may exempt from the scope of this Directive primary roads which have a low risk for safety, based on duly justified grounds connected to traffic volumes and accident statistics.*

*Member States may include in the scope of this Directive roads not referred to in paragraphs 2 and 3.*

*Each Member State shall notify to the Commission, by ... [24 months following the entry into force of this amending Directive], the list of motorways and primary roads on its territory and, thereafter, any subsequent changes thereto. In addition, each Member State shall notify to the Commission the list of roads exempted in accordance with this paragraph from or included in the scope of this Directive, and, thereafter, any subsequent changes thereto.*

*The Commission shall publish the list of roads notified in accordance with this Article.*

5. This Directive shall not apply to roads in tunnels covered by Directive 2004/54/EC.";

(2) Article 2 is amended as follows:

(a) point 1 is replaced by the following:

"1. 'trans-European road network' means the road networks identified in Regulation (EU) No 1315/2013 of the European Parliament and of the Council\*;

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\* Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).";

(b) the following points are inserted:

"1a. 'motorway' means a road, specially designed and built for motor traffic, which does not serve properties bordering on it and which meets the following criteria:

- (a) it is provided, except at special points or temporarily, with separate carriageways for the two directions of traffic, separated from each other either by a dividing strip not intended for traffic or, exceptionally, by other means;
- (b) it does not cross at level with any road, railway or tramway track, bicycle path or footpath;
- (c) it is specifically designated as a motorway;

- 1b. 'primary road' means a road *outside urban areas that connects major cities or regions, or both, belonging to the highest category of road below the category 'motorway' in the national road classification that is in place on ... [the date of publication of this amending Directive in the OJ];*"
- (c) point 5 is deleted;
- (d) points 6 and 7 are replaced by the following:
- "6. 'safety rating' means the classification of parts of the existing road network in categories according to their objectively measured in-built safety;

7. ‘**targeted** road safety inspection’ means a targeted **investigation** to identify hazardous conditions, **defects and problems** that increase the risk of accidents and injuries, **based on a site visit of an existing road or section of road**.”;

(e) *the following point is inserted:*

**"7a. ‘periodic road safety inspection’ means an ordinary periodical verification of the characteristics and defects that require maintenance work for reasons of safety;”;**

(f) the following point is added:

**"10. ‘vulnerable road user’ means non-motorised road users, including, in particular, cyclists and pedestrians, as well as users of powered two-wheelers.”;**



(3) *in Article 4, the following paragraph is added:*

*"6. The Commission shall provide guidance for the design of “forgiving roadsides” and “self-explaining and self-enforcing roads” in the initial audit of the design phase, as well as guidance on quality requirements regarding vulnerable road users. Such guidance shall be developed in close cooperation with Member State experts.”;*

(4) Article 5 is replaced by the following:

"Article 5

Network-wide road *safety* assessment

1. Member States shall ensure that a network-wide road safety assessment is carried out on the entire road network in operation covered by this Directive. ■

2. *Network-wide road safety assessments shall evaluate accident and impact severity risk, based on:*
  - (a) *primarily, a visual examination, either on site or by electronic means, of the design characteristics of the road (in-built safety); and*
  - (b) *an analysis of sections of the road network which have been in operation for more than three years and upon which a large number of serious accidents in proportion to the traffic flow have occurred.*
3. *Member States shall ensure that the first network-wide road safety assessment is carried out by 2024 at the latest. Subsequent network-wide road safety assessments shall be sufficiently frequent in order to ensure adequate safety levels, but in any case shall be carried out at least every five years.*

4. In carrying out the network-wide road *safety* assessment, Member States *may take into account the indicative* elements set out in Annex III.
5. *The Commission shall provide guidance on the methodology for carrying out systematic network-wide road safety assessments and safety ratings.*
6. On the basis of the results of the assessment referred to in paragraph 1, *and for the purpose of prioritisation of needs for further action*, Member States shall classify all sections of the road network in no fewer than three categories according to their *level of* safety.";

## I

- (5) Article 6 is amended as follows:
  - (a) the title is replaced by the following:

"Article 6  
*Periodic road* safety inspections";

(b) paragraph 1 is replaced by the following:

"1. Member States shall ensure that *periodic* road safety inspections are undertaken *with sufficient frequency to safeguard adequate safety levels for the road infrastructure in question.*";

(c) paragraph 2 *is deleted*;

(d) *paragraph* 3 is replaced by the following:

"3. Member States shall ensure the safety of sections of the road network adjoining road tunnels covered by Directive 2004/54/EC through joint road safety inspections involving the competent entities involved in the implementation of this Directive and Directive 2004/54/EC. The joint road safety inspections shall be *sufficiently frequent to safeguard adequate safety levels, but in any* case shall be carried out at least every *six* years.";

(6) the following Articles are inserted:

"Article 6a

Follow-up of procedures for roads in operation

1. Member States shall ensure that the findings of network-wide road *safety* assessments carried out pursuant to Article 5 are followed up *either* by targeted road safety inspections or by direct remedial action.
2. *When carrying out targeted road safety inspections Member States may take into account the indicative elements set out in Annex IIa.*
3. *Targeted road safety inspections shall be carried out by expert teams. At least one member of the expert team shall meet the requirements set out in point (a) of Article 9(4).*

4. Member States shall ensure that the findings of *targeted* road safety inspections are followed up by reasoned decisions determining if remedial action is necessary. In particular, Member States shall identify road sections where road infrastructure safety improvements are necessary and define actions to be prioritised for improving the safety of those road sections.
5. Member States shall ensure that remedial action is targeted *primarily* at road sections with low safety levels and which offer the opportunity for the implementation of measures with high *potential for safety development and accident cost savings*.
6. Member States shall prepare and regularly update a risk-based prioritised action plan to track the implementation of identified remedial action.

## Article 6b

### Protection of vulnerable road users

Member States shall ensure that the needs of vulnerable road users are taken into account in the implementation of the procedures set out in Articles 3 to 6a.

## Article 6c

### Road markings and road signs

1. Member States shall *pay specific attention, in their existing and future procedures for road markings and road signs, to readability and detectability for human drivers and automated driver assistance systems. Such procedures shall take into account common specifications where such common specifications have been established in accordance with paragraph 3.*

2. *A group of experts established by the Commission shall, at the latest by June 2021, assess the opportunity to establish common specifications including different elements aiming at ensuring the operational use of road markings and road signs in order to foster the effective readability and detectability of road markings and road signs for human drivers and automated driver assistance systems. That group shall be formed by experts designated by the Member States. The assessment shall include a consultation of the United Nations Economic Commission for Europe.*

*The assessment shall take into consideration in particular the following elements:*

- (a) *the interaction between various driver assistance technologies and infrastructure;*



- (b) the effect of the weather and atmospheric phenomena as well as traffic on road markings and road signs present on the Union territory;*
  - (c) the type and frequency of maintenance efforts necessary for various technologies, including an estimate of costs.*
- 3. Taking into account the assessment referred to in paragraph 2, the Commission may adopt implementing acts to establish common specifications, relating to Member States' procedures referred to in paragraph 1 aiming at ensuring the operational use of their road markings and road signs, with regard to the effective readability and detectability of road markings and road signs for human drivers and automated driver assistance systems. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13(2).*

*The implementing acts referred to in the first subparagraph shall be without prejudice to the competence of the European Committee for Standardization regarding standards for road markings and road signs.*

#### *Article 6d*

##### *Information and transparency*

*The Commission shall publish a European map of the road network within the scope of this Directive, accessible online, highlighting different categories as referred to in Article 5(6).*

## *Article 6e*

### *Voluntary reporting*

*Member States shall endeavour to establish a national system for the purpose of voluntary reporting, accessible online to all road users, to facilitate the collection of details of occurrences transmitted by road users and vehicles, and of any other safety-related information which is perceived by the reporter as an actual or potential hazard to road infrastructure safety."*

(7) *in Article 7, the following paragraph is inserted:*

*"1a. The Commission may adopt implementing acts to provide guidance according to which accident severity, including number of fatalities and injured persons, is to be reported. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13(2)."*

(8) *in Article 9, the following paragraph is inserted:*

*"1a. For road safety auditors taking their training from ... [five years after the entry into force of this amending Directive], Member States shall ensure that the training curricula for road safety auditors includes aspects related to vulnerable road users and the infrastructure for such users.";*

(9) Article 10 is replaced by the following:

"Article 10

Exchange of best practices

In order to improve the safety of Union roads, the Commission shall establish a system for the exchange of information and best practices between the Member States, covering, inter alia, ***training curricula for road safety***, existing road infrastructure safety projects and proven road safety technology.";

(10) in Article 11, paragraph 2 *is deleted*;

(11) the following Article is inserted:

"Article 11a

Reporting

1. Member States shall provide a report to the Commission by 31 October **2025 on the safety classification of the entire network assessed in accordance with Article 5. Where possible, the report shall be based on a common methodology. If applicable, the report shall also cover the list of provisions of national updated guidelines, including in particular the improvements in terms of technological progress and of protection of vulnerable road users. From 31 October 2025, such reports shall be provided every five years.**

2. *On the basis of an analysis of the national reports referred to in paragraph 1, in the first instance by 31 October 2027 and every five years thereafter, the Commission shall draw up and submit a report to the European Parliament and to the Council on the implementation of this Directive, in particular with regard to the elements referred to in paragraph 1, and on possible further measures, including a revision of this Directive and possible adaptations to technical progress."*

(12) Article 12 is replaced by the following:

"Article 12

*Amendment of Annexes*

The Commission is empowered to adopt delegated acts in accordance with Article 12a *amending* the Annexes *in order* to adapt *them* to technical progress."

(13) the following Article is inserted:

"Article 12a

***Exercise of the delegation***

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 12 shall be conferred on the Commission for a ***period of five years from ... [the date of entry into force of this amending Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

3. The delegation of power referred to in Article 12 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of **13 April 2016** on Better Law-Making ■\*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 12 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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\* OJ L 123, 12.5.2016, p. 1.”;



(14) Article 13 is replaced by the following:

"Article 13

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council\*.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

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\* Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).";

(15) the Annexes are amended as set out in the Annex to this Directive.

## Article 2

### Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... [~~24~~ months following the entry into force of this amending Directive]. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

### Article 3

#### Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

### Article 4

#### Addressees

This Directive is addressed to the Member States.

Done at ...,

*For the European Parliament*

*For the Council*

*The President*

*The President*

## ANNEX

The Annexes to Directive 2008/96/EC are amended as follows:

(1) Annex I is amended as follows:

(a) the title is replaced by the following:

"ANNEX I

**INDICATIVE** ELEMENTS OF ROAD SAFETY IMPACT ASSESSMENTS";

(b) *in section 2, point (e) is replaced by the following:*

*"(e) traffic (e.g. traffic volume, traffic categorisation by type), including estimated pedestrian and bicycle flows determined from adjacent land-use attributes;"*

(2) Annex II is amended as follows:

(a) the title is replaced by the following:

"ANNEX II

**INDICATIVE** ELEMENTS OF ROAD SAFETY AUDITS";

(b) in section 1, the following point is added:

"(n) provision for vulnerable road users:

- (i) provision for pedestrians,
- (ii) provision for cyclists, *including the existence of alternative routes or separations from high-speed motor traffic,*
- (iii) provision for powered two-wheelers,
- (iv) *density and location of crossings for pedestrians and cyclists,*
- (v) *provision for pedestrians and cyclists on affected roads in the area,*
- (vi) *separation of pedestrians and cyclists from high-speed motor traffic or the existence of direct alternative routes on lower class roads;"*

(c) in section 2, point (h) is replaced by the following:

"(h) provision for vulnerable road users:

(i) provision for pedestrians,

(ii) provision for cyclists,

(iii) provision for powered two-wheelers;"

(3) the following Annex is inserted :

"ANNEX IIa

***INDICATIVE*** ELEMENTS OF ***TARGETED*** ROAD SAFETY INSPECTIONS

1. Road alignment and cross-section:

(a) visibility and sight distances;

(b) speed limit and speed zoning;

- (c) self-explaining alignment (i.e. "readability" of the alignment by *road users*);
  - (d) access to adjacent property and developments;
  - (e) access of emergency and service vehicles;
  - (f) treatments at bridges and culverts;
  - (g) roadside layout (shoulders, pavement drop-off, cut and fill slopes).
2. Intersections and interchanges:
- (a) appropriateness of intersection/interchange type;
  - (b) geometry of intersection/interchange layout;

- (c) visibility and readability (perception) of intersections;
  - (d) visibility at the intersection;
  - (e) layout of auxiliary lanes at intersections;
  - (f) intersection traffic control (e.g. stop controlled, traffic signals, etc.);
  - (g) existence of pedestrian ***and cycling*** crossings.
3. Provision for vulnerable road users:
- (a) provision for pedestrians;
  - (b) provision for cyclists;
  - (c) provision for powered-two-wheelers;
  - (d) public transport and infrastructures;
  - (e) level crossings (***noting, particularly, the type of crossing and if they are manned, unmanned, manual, or automated***).



4. Lighting, signs and markings:

- (a) coherent road signs, not obscuring visibility;
- (b) readability of road signs (position, size, colour);
- (c) sign posts;
- (d) coherent road markings and delineation;
- (e) readability of road markings (position, dimensions and retroreflectivity under dry and wet conditions);
- (f) appropriate contrast of road markings;
- (g) lighting of lit roads and intersections;
- (h) appropriate roadside equipment.

5. Traffic signals:
  - (a) operation;
  - (b) visibility.
6. Objects, clear zones and road restraint systems:
  - (a) roadside environment including vegetation;
  - (b) roadside hazards and distance from carriageway *or cycle path* edge;
  - (c) user-friendly adaptation of road restraint systems (central reservations and crash barriers to prevent hazards to vulnerable road users);

- (d) end treatments of crash barriers;
- (e) appropriate road restraint systems at bridges and culverts;
- (f) fences (in roads with restricted access).

7. Pavement:

- (a) pavement defects;
- (b) skid resistance;
- (c) loose material/gravel/stones;
- (d) ponding, water drainage.

8. *Bridges and tunnels:*

- (a) *presence and number of bridges;*
- (b) *presence and number of tunnels;*
- (c) *visual elements representing hazards for the safety of the infrastructure.*

9. Other issues:

- (a) provision of safe parking areas and rest areas;
- (b) provision for heavy vehicles;
- (c) headlight glare;

- (d) roadworks;
- (e) unsafe roadside activities;
- (f) appropriate information in ITS equipment (e.g. variable message signs);
- (g) wildlife and animals;
- (h) school zone warnings (if applicable).";

(4) Annex III is replaced by the following:

"Annex III

***INDICATIVE*** ELEMENTS OF NETWORK-WIDE ROAD SAFETY ASSESSMENTS

1. General:

- (a) type of road in relation to the type and size of regions/cities it connects;
- (b) length of road section;

- (c) area type (rural, urban);
- (d) land use (educational, commercial, industrial and manufacturing, residential, farming and agricultural, undeveloped areas);
- (e) property access points density;
- (f) presence of service road (e.g. for shops);
- (g) presence of road works;
- (h) presence of parking.

2. Traffic volumes:

- (a) traffic volumes;
- (b) observed motorcycle volumes;
- (c) observed pedestrian volumes on both sides, noting “along” or “crossing”;
- (d) observed bicycle volumes *on both sides, noting “along” or “crossing”*;
- (e) observed heavy vehicle volumes;
- (f) estimated pedestrian flows determined from adjacent land use attributes;
- (g) estimated bicycle flows determined from adjacent land use attributes.

3. Accident data:

- (a) number, location *and cause* of fatalities by road user group;
- (b) number and location of serious injuries by road user group.

4. Operational characteristics:

- (a) speed limit (general, for motorcycles; for trucks);
- (b) operating speed (85<sup>th</sup> percentile);
- (c) speed management and/or traffic calming;
- (d) presence of ITS devices: queue alerts, variable message signs;
- (e) school zone warning;
- (f) presence of school crossing supervisor at prescribed periods.



5. Geometric characteristics:

- (a) cross section characteristics (number, type and width of lanes, central median shoulders layout and material, cycle tracks, foot paths, etc.), including their variability;
- (b) horizontal curvature;
- (c) grade and vertical alignment;
- (d) visibility and sight distances.

6. Objects, clear zones and road restraint systems:

- (a) roadside environment and clear zones;
- (b) fixed obstacles at the roadside (e.g. lighting poles, trees, etc.);

- (c) distance of obstacles from roadside;
- (d) density of obstacles;
- (e) rumble strips;
- (f) road restraint systems.

**7. *Bridges and tunnels:***

- (a) *presence and number of bridges, as well as relevant information concerning them;***
- (b) *presence and number of tunnels, as well as relevant information concerning them;***
- (c) *visual elements representing hazards for the safety of the infrastructure.***

8. Intersections:

- (a) intersection type and number of arms (noting in particular the type of control and the presence of protected turns);
- (b) presence of channelisation;
- (c) intersection quality;
- (d) intersecting road volume;
- (e) presence of level crossings (*noting, in particular, the type of crossing and whether they are manned, unmanned, manual or automated*).

9. Maintenance:

- (a) pavement defects;
- (b) pavement skid resistance;
- (c) shoulder condition (including vegetation);
- (d) condition of signs, markings and delineation;
- (e) condition of road restraint systems.

10. Vulnerable road users' facilities:

- (a) pedestrian ***and cycling*** crossings (surface crossings and grade separation);
- (b) cycling crossings (surface crossings and grade separation);***
- (c) pedestrian fencing;

- (d) existence of sidewalk or separated facility;
- (e) bicycle facilities *and their type (cycle paths, cycle lanes, other)*;
- (f) quality of pedestrian crossings with regard to the conspicuity and signposting of each facility;
- (g) pedestrian *and cycling* crossing *facilities* on entry arm of minor road joining network;
- (h) *existence of alternative routes for pedestrians and cyclists where there are no separated facilities.*

**11. *Pre/post-crash systems for traffic injury and gravity mitigation elements:***

- (a) *network operational centres and other patrolling facilities;*
- (b) *mechanisms to inform road users of driving conditions in order to prevent accidents or incidents;*

(c) *AID (automatic incident detection) systems: sensors and cameras;*

(d) *incident management systems;*

(e) *systems for communicating with emergency services."*;

(5) Annex IV *is amended as follows:*

(a) *point 1 is replaced by the following:*

"1. location of the accident (as precise as possible), including GNSS coordinates;"

(b) *point 5 is replaced by the following:*

"5. *accident severity.*".

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